IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 18432 of 1993

Between:

1 Sri Krishna Swamy S/o Narayana Swamy
R/o 52/A, Sabastain Road,
Secunderabad
2 N.V. Suryanarayana Murthy S/o Sri Bapi Raju
R/o 2-2-16/I/C, Durga Bai Deshmukh Colony,
Hyderabad-07, A.P.

..... PETITIONERS

AND

1 Municipal Corporation of Hyderabad rep. by Special Officer
Tank Bund Road, Hyderabad, A.P.
2 State of A.P. rep. by Secretary
Municipal Administration Depot., Secretariat Buildings,
Hyderabad

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, of Mandamus of any appropriate writ order or direction: 1) Declaring Section 212 of the Hyderabad Municipal Corporation Act 20 of 1989 as illegal, arbitrary and unconstitutional against the Constitution of India. 2) Declare the notifications issued in File No.2363/CTS/F.3/91/92 dt: 17-2-93 or other dates in February, 1993 in respect of various wards of the Municipal Corporation of Hyderabad and Secunderabad as illegal, arbitrary and without jurisdiction and void ab initio.

Counsel for the Petitioners: MR.K.RAMA RAO

Counsel for Respondent No.1: STANDING COUNSEL FOR MCH

Counsel for Respondent No.2: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT

The Court made the following Order: (per BRSR.J)

The Constitutional validity of Section 212 of the Hyderabad Municipal Corporation Act as amended by Act 20 of 1989 is impugned in this writ petition without any foundational facts. A provision of law cannot be struck down by this Court in exercise of its judicial review jurisdiction on a mere allegation of lack of legislative competence.

We find no merit in the writ petition and the same shall accordingly stand dismissed without costs.

(B.SUDERSHAN REDDY,J)

Dt. 17.09.2004

(K.C.BHANU,J)

msv.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Special Officer, Municipal Corporation of Hyderabad
Tank Bund Road, Hyderabad, A.P.
2 The Secretary,
Municipal Administration Depot., Secretariat Buildings,
State of A.P. Hyderabad

3. 2CCs to GP for Municipal Administration & Urban Development.

High Court Buildings, Hyderabad (OUT)

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